

PUBLIC VERSION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SIA HENRY, *et al.*, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, *et al.*,

Defendants.

Case No.: 22-cv-00125

Hon. Matthew F. Kennelly

**GEORGETOWN UNIVERSITY’S MEMORANDUM IN SUPPORT  
OF THE GEORGETOWN DOE STUDENTS’ OBJECTIONS UNDER FERPA**

Georgetown University (“Georgetown”) respectfully submits this response in support of the Georgetown Doe Students’ (“Students”) objections under the Family Educational Rights and Privacy Act (“FERPA”) to the production of their de-anonymized education records. *See* Dkt. 508, 509. Plaintiffs must satisfy a “significantly heavier burden” to access the FERPA-protected information they are seeking than with respect to other types of information. *Wanko v. Bd. of Trs. of Ind. Univ.*, 2018 WL 3631579, at \*4 (S.D. Ind. July 30, 2018), *aff’d* 927 F.3d 966 (7th Cir. 2019) (internal quotation marks omitted); *see also Banks v. Baraboo Sch. Dist.*, 2020 WL 5751415, at \*4, \*7 (W.D. Wis. Sept. 25, 2020). In particular, Plaintiffs must establish that they have “a genuine need for the information that outweighs the privacy interests of the students.” *Banks v. Baraboo Sch. Dist.*, 2020 WL 5751415, at \*4, \*7 (W.D. Wis. Sept. 25, 2020) (internal quotation marks omitted). Plaintiffs have not come close to satisfying this standard.

**PUBLIC VERSION**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Students' letters to the Court reflect this substantial concern. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Students explained that the confidentiality order in this case does not resolve their concerns. [REDACTED]

[REDACTED]

[REDACTED]

Plaintiffs' need for documents about these particular Students is further undermined by the sheer volume of documents Georgetown has produced as to alleged wealth favoritism more generally. As Georgetown recently explained in connection with Plaintiffs' motion to obtain

## PUBLIC VERSION

further information regarding its “President’s List,” *see* Dkt. 520, Georgetown has produced copies of the original “President’s Lists;” voluminous Excel and similar files relating to the President’s Lists for a 16-year period [REDACTED]; and hundreds of additional documents from its Advancement Office—the office responsible for managing donor relationships at Georgetown—relating to Georgetown’s Special Interest policy. *See* Dkt. 520, at 3. Following this Court’s August 2023 directive, moreover, Georgetown reached an agreement with Plaintiffs to provide discovery as to 150 candidates that Plaintiffs selected based on their review of documents Georgetown had already produced related to President’s List candidates. *Id.* at 4. And in the near term, Georgetown will produce additional documents [REDACTED]. *See* Dkt. 530.

In other words, Georgetown has or will produce voluminous information about the alleged influence of donations on admissions at Georgetown. That information is more than enough for Plaintiffs to assess whether a donation influenced any student’s admission at Georgetown—the issue Plaintiffs are focused on. Ex. 1, 10/5/2023 Hr’g Tr. 13:21-22. Particularly given their compelling objections under FERPA, there is no reason to target the Georgetown Doe Students and unmask their highly personal educational records in this litigation.

Accordingly, Georgetown supports the Students’ objections and requests that the Court reject Plaintiffs’ efforts to obtain those Students’ records.

**PUBLIC VERSION**

Dated: December 18, 2023

Respectfully submitted,

By: /s/ Britt M. Miller

Britt M. Miller

Daniel T. Fenske

MAYER BROWN LLP 71 South Wacker Drive

Chicago, IL 60606

Tel.: (312) 783-0600

bmiller@mayerbrown.com

dfenske@mayerbrown.com

*Counsel for Defendant Georgetown University*

PUBLIC VERSION

**CERTIFICATE OF SERVICE**

I, Britt M. Miller, an attorney, hereby certify that on December 18, 2023, I caused a true and correct copy of the foregoing Georgetown University's Memorandum in Support of the Georgetown Doe Students' Objections Under FERPA to be served electronically on all counsel of record via email.

/s/ Britt M. Miller

Britt M. Miller  
MAYER BROWN LLP  
71 South Wacker Drive  
Chicago, IL 60606  
(312) 782-0600  
bmiller@mayerbrown.com